 FEES TRANSMITTAL TOTAL AMOUNT OF PAYMENT Subtotal (1) + Subtotal (2) + Subtotal (3) = (\$790.00)		Complete if Known																																																																													
		Application Number	09/966,036																																																																												
		Filing Date	September 28, 2001																																																																												
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		Group Art Unit	1615																																																																												
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METHOD OF PAYMENT		FEES CALCULATION (continued)																																																																													
1. The Commissioner is hereby authorized to: <input checked="" type="checkbox"/> Charge the indicated fees to the below mentioned deposit account. <input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Large Entity Fee Code/Fee</th> <th>Small Entity Fee Code/Fee</th> <th>Fee Description</th> <th>Fee Due</th> </tr> </thead> <tbody> <tr><td>1051/\$130</td><td>2051/\$65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052/\$50</td><td>2052/\$25</td><td>Surcharge-late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>147/\$2,520</td><td>147/\$2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>1251/\$120</td><td>2251/\$60</td><td>Extension for response within first month[†]</td><td></td></tr> <tr><td>116/\$450</td><td>2252/\$225</td><td>Extension for response within second month[†]</td><td></td></tr> <tr><td>1253/\$1,020</td><td>2253/\$510</td><td>Extension for response within third month[†]</td><td></td></tr> <tr><td>1254/\$1,590</td><td>2254/\$795</td><td>Extension for response within fourth month[†]</td><td></td></tr> <tr><td>1255/\$2,160</td><td>2255/\$1,080</td><td>Extension for response within fifth month[†]</td><td></td></tr> <tr><td>1401/\$500</td><td>2401/\$250</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1453/\$1,500</td><td>2453/\$750</td><td>Petition to revive unintentionally abandoned Application</td><td></td></tr> <tr><td>1501/\$1,400</td><td>2501/\$700</td><td>Utility Issue Fee (Or Reissue)</td><td></td></tr> <tr><td>1502/\$800</td><td>2502/\$400</td><td>Design Issue Fee</td><td></td></tr> <tr><td>122/\$130</td><td>122/\$130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123/\$50</td><td>123/\$50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>1806/\$180</td><td>1806/\$180</td><td>Submission of Information Disclosure Statement</td><td></td></tr> <tr><td>581/\$40</td><td>581/\$40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809/\$790</td><td>2809/\$395</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>1801/\$790</td><td>2801/\$395</td><td>Request for Continued Examination (RCE)</td><td>790</td></tr> </tbody> </table>		Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due	1051/\$130	2051/\$65	Surcharge - late filing fee or oath		1052/\$50	2052/\$25	Surcharge-late provisional filing fee or cover sheet		147/\$2,520	147/\$2,520	For filing a request for reexamination		1251/\$120	2251/\$60	Extension for response within first month [†]		116/\$450	2252/\$225	Extension for response within second month [†]		1253/\$1,020	2253/\$510	Extension for response within third month [†]		1254/\$1,590	2254/\$795	Extension for response within fourth month [†]		1255/\$2,160	2255/\$1,080	Extension for response within fifth month [†]		1401/\$500	2401/\$250	Notice of Appeal		1453/\$1,500	2453/\$750	Petition to revive unintentionally abandoned Application		1501/\$1,400	2501/\$700	Utility Issue Fee (Or Reissue)		1502/\$800	2502/\$400	Design Issue Fee		122/\$130	122/\$130	Petitions to the Commissioner		123/\$50	123/\$50	Petitions related to provisional applications		1806/\$180	1806/\$180	Submission of Information Disclosure Statement		581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)		1809/\$790	2809/\$395	Filing a submission after final rejection (37 CFR 1.129(a))		1801/\$790	2801/\$395	Request for Continued Examination (RCE)	790
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SUBMITTED BY Typed or Printed Name Paul J. Meyer, Jr.		Complete (if applicable) Reg. Number 47,791																																																																													
Signature			Date February 9, 2005																																																																												

02-11-05
\$ RCE
2/9/05

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Address to:
Commissioner for Patents
Mail Stop RCE
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/966,036
Filing Date	September 28, 2001
First Named Inventor	Dorrie M. Happ
Art Unit	1615
Examiner Name	Blessing M. Fubara
Attorney Docket Number	50623.132

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 C.F.R. 1.114

- a. Previously submitted
 - i. Consider the amendment(s)/reply under 37 C.F.R. 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. Other _____
- b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other _____

2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)
- b. Other _____

3. Fees The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

- a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 07-1850
 - i. RCE fee required under 37 C.F.R. 1.17(e)
 - ii. Extension of time fee (37 C.F.R. 1.136 and 1.17)
 - iii. Other _____
- b. Check in the amount of \$ _____ enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

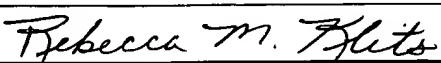
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Paul J. Meyer, Jr.	Registration No. (Attorney/Agent)	47,791
Signature		Date	February 9, 2005

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail in a box addressed to: Commissioner for Patents, Mail Stop RCE, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print/Type)	Rebecca M. Klits	Date	February 9, 2005
Signature			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, Mail Stop RCE, P.O. Box 1450, Alexandria, VA 22313-1450.

02/14/2005 SSANDARA 00000009 071850 09966036

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San Francisco/144697.1



Express Mail Label No. EV 337975202 US

50623.132

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Examiner: Blessing M. Fubara

Dorrie M. Happ

Serial No.: 09/966,036

Art Unit: 1615

Filed: September 28, 2001

Attorney's Docket Number: 50623.132

Title: A Medical Device Containing Light-Protected Therapeutic Agent And a Method
For Fabricating The Same

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO OFFICE ACTION

Dear Examiner Fubara:

This is Response and the accompanying Request for Continued Examination address the Final Office Action mailed on November 30, 2004, which has a shortened statutory period for reply that ends on March 1, 2005.